

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**DUSTIN MOORE, ROY LEWIS,  
JOSH BLASCHKE, JUSTIN BLASCHKE,  
JULIO MORENO, and JUSTIN HERRERA,  
Each Individually and on behalf of  
Others Similarly Situated**

**PLAINTIFFS**

vs.

5:15-cv-432-RC  
Consolidated with 5:15-cv-346-RCL

**PERFORMANCE PRESSURE PUMPING  
SERVICES, LLC, and EPIC WIRELINE  
SERVICES, LLC.**

**DEFENDANTS**

**DECLARATION OF ATTORNEY JOSH SANFORD**

Pursuant to 28 U.S.C. § 1746, Josh Sanford declares, subject to the penalties for perjury, as follows:

1. My name is Josh Sanford, and I am over the age of 18 and duly qualified to execute this Declaration and to swear to the accuracy of the facts herein contained.

2. I am an attorney licensed in the State of Texas. I practice law with the law firm of Sanford Law Firm, PLLC (hereinafter “Sanford Law Firm”), which is located in Little Rock, Arkansas, which I founded in Russellville, Arkansas in 2001. I opened an office in Little Rock in 2009 and now predominantly practice in the greater Central Arkansas region, together with a busy Western District of Texas practice.

3. I practice law full-time, and I manage the other fifteen (15) attorneys in the Sanford Law Firm.

4. I have prosecuted over 100 wage lawsuits in Texas in the last two-and-a-

half years.

5. In the course of my law practice, I engage in a significant amount of wage and hour litigation—specifically cases arising under the Fair Labor Standards Act (FLSA) and the comparable Arkansas Minimum Wage Act (AMWA). A significant portion of my case load is in various federal courts around the United States, including trial work in cases arising under Title VII of the Civil Rights Act of 1964, the Equal Pay Act, the FLSA, and the Fair Debt Collection Practices Act.

6. I am licensed to practice law in all state and federal courts in the States of Arkansas, Colorado and Texas. I am also actively engaged in appellate practice. I have handled cases before almost all county Circuit Courts in the Central and River Valley regions of Arkansas, the United States District Courts for the Eastern and Western Districts of Arkansas, the United States District Courts for the Eastern, Southern, Northern and Western Districts of Texas, United State District Court for the Northern District of Oklahoma, United States District Court for the Southern District of Ohio, the United States District Court for the District of Colorado, the United States District Court for the Eastern District of Michigan, the United States District Court for the District of Oregon, the Eighth Circuit Court of Appeals and the Sixth Circuit Court of Appeals.

7. Within the last year, I have also filed cases in the Central and Northern Districts of California and the Northern District of Ohio.

8. In 2005, I was voted “Best Attorney” (tie) in a readers’ poll published by *The Courier* in Russellville, Arkansas. Subsequently, in 2008, I served as the President of the Pope County Bar Association. In addition, I am a member of the American, Arkansas, and Pope County Bar Associations, the Arkansas Trial Lawyers Association and the

National Employment Lawyers Association.

9. In the past five years, I have been lead counsel on numerous wage and hour cases filed in United States District Courts throughout the nation, including the following: *Craig Lyons, et al. v. Con Agra*, 4:12-cv-245-JM (E.D. Ark.) (over 790 plaintiffs); *Keyli Cruthis, et al. v. Visions, et al.*, 4:12-cv-244-KGB (E.D. Ark.); *James Finley v. Universal Pressure Pumping, Inc.*, SA:12-ca-0654-OG (Western District of Texas); *Michael Alexander v. Hahn Appliance Center, Inc.*, 12-CV-257-CVE-TWL (N.D. Okla.); *Chad Lochridge, et al. v. Lindsey Management, et al.*, 5:12-CV-5047-JLH (W.D. Ark.); *Bill Hollomon, et al. v. AT&T Mobility Services, LLC*, 4:11-cv-600-BRW (E.D. Ark.); *Jeffrey Bacon, et al. v. Eaton Aeroquip, LLC*, 2:11-cv-14103-GD (E.D. Mich.); *Karen "Kay" Roland v. Sharp County Post 336, et al.*, 1:11-CV-85-DPM (E.D. Ark.); *Crystal Hilborn, et al. v. Visions, et al.*, 4:11-CV-0124 (BSM) (E.D. Ark.); *Crystal Hilborn, et al. v. Prime Time Club, Inc.*, 4:11-cv-197 (BSM) (Eastern District of Arkansas); *Lacey Taylor, et al. v. Mary Rose Cullen, et al.*, 4:11-cv-269 (DPM) (E.D. Ark.); *Bennie Watson, et al. v. Surf-Frac Wellhead Equipment Company, Inc.*, 4:11-CV-843 (JLH) (E.D. Ark.); *Robert Terry, et al. v. City of Ola*, 4:11-cv-11-645 (JLH) (E.D. Ark.); *Donald Bateman, et al. v. Frac Tech Services, LLC*, 6:11-cv-708 (E.D. Tex.); *Kalie Brown, et al. v. Barney's Barn, Inc., d/b/a/ Peaches Gentlemen's Club*, 4:11-cv-224 (SWW) (E.D. Ark.); *Jason Phillips v. Oil Patch Water and Sewer Services, LLC, et al.*, 4:11-cv-776 (JLH) (E.D. Ark.); *David Delock, et al. v. Securitas Security Services USA, et al.*, 4:11-CV-520 (DPM) (E.D. Ark.); *Karen Springs, et al. v. First Student, Inc.*, 4:11-CV-00240 (BSM) (E.D. Ark.); *Teramura v. Walgreen Co.*, 5:12-cv-5244-JLH (W.D. Ark.), and many others.

10. More recently, I have been lead counsel on numerous wage and hour cases

that resulted in settlements or judgments in favor of my clients including the following: *Coby Pearce v. Frac Tech Services, LLC*, No. 4:12-cv-651-JLH (E.D. Ark.); *Nicole Collins v. Barney's Barn, Inc., et al.*, No. 4:12-cv-685-SWW (E.D. Ark.); *Joseph Gauthier, et al. v. Trican Well Service, L.P.*, No. 6:13-cv-46-LED (E.D. Tex.); *Jason Roche, et al. v. S-3 Pump Service, Inc.*, No. 5:15-cv-268-XR (W.D. Tex.); *Kristen Whitworth, et al. v. French Quarter Partners, LLC*, No. 6:13-cv-6003-RTD (W.D. Ark.); *Robert Terry v. Yell County Ark.*, No. 4:13-cv-408-SWW (E.D. Ark.); *Jessica Guinn v. D J Trucking*, No. 4:13-cv-559-KGB (E.D. Ark.); *Maria Romero de Lopez, et al. v. Ozark Mountain Poultry, Inc.*, No. 5:13-cv-5272-TLB (W.D. Ark.); *Sean Jordan v. Big E. Foods, Inc.*, No. 4:14-cv-205-BRW (E.D. Ark.); *Patricia Hernandez, et al. v. Simmons Foods, Inc.*, No. 5:14-cv-5159-JLH (W.D. Ark.); *Sean Schneider v. Habitat for Humanity International, Inc.*, No. 5:14-cv-5230-TLB (W.D. Ark.); *Pedro Espinoza v. Car-Son Construction, LLC*, No. 4:14-cv-467-KGB (E.D. Ark.); *Sheila Lyles v. City of Trumann, Ark.*, No. 3:14-cv-210-DPM (E.D. Ark.); and *Kellie McCartney v. Baily and Thompson Tax and Accounting, P.A.*, No. 4:14-cv-561-SWW (E.D. Ark.).

11. I am also the lead counsel on several ongoing wage and hour cases in which collective actions have been granted including *Sam Adams v. United Cerebral Palsy of Central Ark., Inc.*, No. 4:16-cv-930-JLH (E.D. Ark.); *James Harris, et al. v. Express Courier International, Inc.*, No. 5:16-cv-5033-TLB (W.D. Ark.); and *Dustin Moore, et al. v. Performance Pressure Pumping Services, LLC*, No. 5:15-cv-432-XR (W.D. Tex.), among many others.

12. Since January of 2015, Sanford Law Firm has filed and prosecuted over 500 distinct wage lawsuits throughout Arkansas and Texas. Many of these lawsuits are

(or were, if they have been resolved) group or collective actions, as well as several class actions under Rule 23.

13. Collectively, cases filed by the Sanford Law Firm since 2009 have resulted in more than \$13,000,000.00 in settlement and judgment money for wage and hour violations for more than two thousand (2,000) clients across the nation.

14. I am familiar with the customary and reasonable fees charged by myself and by other attorneys in the Western District of Texas. Generally, the customary and reasonable fee charged for federal court work in U.S. District Courts in Texas is \$225.00 to \$500.00 per hour, depending upon experience and specialty.

15. The rates charged by Sanford Law Firm's attorneys are reasonable. The rates are reflective of the number of years each attorney has practiced, the attorneys' expertise in employment issues such as the FLSA, the contingent nature of an award of fees, and the rates charged by other attorneys specializing in FLSA work.

16. The staff time and hourly rate for the Sanford Law Firm below are likewise reasonable and comparable.

<b>Attorney</b>	<b>Hourly Rate</b>	<b>Time Expended</b>	<b>Amount</b>
<b>Burks, C.</b>	\$300.00	111.4	\$33,420.00
<b>Ford, D.</b>	\$225.00	0.30	\$67.5
<b>Gibson, S.</b>	\$225.00	4.4	\$990.00
<b>Jackson, M.</b>	\$150.00	95.1	\$14,265.00
<b>King, D.</b>	\$100.00	0.40	\$40.00
<b>Kinney, V.</b>	\$350.00	10.70	\$3,745.00
<b>Law Clerk</b>	\$75.00	0.40	\$30.00
<b>Matlock, R.</b>	\$225.00	21.2	\$4,770.00
<b>Rauls, S.</b>	\$300.00	6.2	\$1,860.00
<b>Rheume, A.</b>	\$125.00	1.20	\$150.00
<b>Staff</b>	\$60.00	14.8	\$888.00
<b>Sanford, J.</b>	\$500.00	194.55	\$97,275.00

<b>Short, S.</b>	\$225.00	16.6	\$3,735.00
<b>Stiritz, A.</b>	\$375.00	32.5	\$10,627.5
<b>West, J.</b>	\$300.00	9.4	\$2,820.00
<b>Bradford, T.</b>	\$150.00	1.5	\$225.00
<b>McEntire, M.</b>	\$300.00	3.8	\$1,140.00
<b>Hicks, L.</b>	\$225.00	0.9	\$202.50
<b>Hoyt, B.</b>	\$150.00	0.6	\$90.00
<b>Grand Total</b>		<b>530.25</b>	<b>\$174,519.00</b>

17. Each attorney's hourly rates are supported by their skills and experience, described more thoroughly below:

- a. Attorney Steve Rauls graduated from the University of Arkansas at Little Rock (UALR), William H. Bowen School of Law with high honors in 2011. As a law student, Mr. Rauls competed in the Wechsler First Amendment Moot Court competition at the American University Washington School of Law and served as a judicial extern in the chambers of Justice Robert Brown of the Arkansas Supreme Court. Mr. Rauls has been published in both the UALR Law Review and in the Journal of the Arkansas Trial Lawyers' Association. Mr. Rauls is an experienced litigator in both state and federal courts, and his practice includes particular emphasis in employment law issues, especially the FLSA.
- b. Attorney Christopher Burks graduated from the University of Arkansas School of Law in 2010. Mr. Burks concentrates his practice in family and employment law litigation, and his employment law litigation has a particular emphasis on oilfield workers in the context of FLSA violations. Mr. Burks gained his unique skill set, in part, through both federal and state judicial clerkships (Honorable Susan Hickey of the United States District Court for the Western District of Arkansas and the Honorable Rhonda Wood of the Arkansas State Circuit Court, Twentieth Judicial District). Mr. Burks is a bi-monthly contributor to the Log Cabin Democrat and an occasional commentator on KARN 102.9 FM and KARK News.
- c. Attorney Joshua West is a high honors graduate of the University of Arkansas at Little Rock, William H. Bowen School of Law in 2012. He graduated second in his class of one-hundred thirty-six. Mr. West is licensed to practice law in all courts in the State of Arkansas. During law school, Mr. West served as an Associate Editor for the UALR Law Review. The UALR Law Review published Mr. West's note on Constitutional Law online. During the fall of 2011, Mr. West served as a judicial extern for Arkansas Supreme Court Justice Robert L. Brown. In 2013, Mr. West managed, drafted, and won an appeal to the Sixth Circuit Court of Appeals regarding a group of

supervisors who were misclassified as exempt under the Fair Labor Standards Act. Mr. West has independently managed, litigated, and settled numerous civil cases for the Sanford Law Firm, both on the plaintiff's and the defendant's side, including cases under the Fair Labor Standards Act, the Arkansas Minimum Wage Act, and other cases involving breach of contract, replevin, and domestic relations issues. Mr. West is currently managing thirteen related FLSA cases in thirteen different states (Arkansas, Oklahoma, Missouri, Texas, Louisiana, Mississippi, Tennessee, Alabama, Florida, Georgia, South Carolina, North Carolina, and Kentucky) with over seven-hundred and sixty plaintiffs, serving as lead *pro hac vice* counsel in eleven of those states.

- d. Attorney Stacy Gibson graduated cum laude from the University of Arkansas School of Law in 2014. While attending law school, Ms. Gibson was a Note and Comment Editor for the Journal of Food Law & Policy and served on the Student Mentorship Board.
- e. Attorney Rebecca Matlock graduated magna cum laude from the UALR William H. Bowen School of Law with high honors in 2015. Her practice focuses primarily on employment law litigation, particular in the FLSA context. As a law student, Ms. Matlock served as Executive Editor of the UALR Law Review, in which Ms. Matlock had an article published in the Spring of 2015 issue. Also as a law student, Ms. Matlock clerked at the Attorney General's office and the Arkansas Municipal League, as well as several law firms in the area of Little Rock, Arkansas.
- f. Attorney April Rhéume graduated from the UALR William H. Bowen School of Law with high honors in 2015. While attending law school, Ms. Rhéume clerked in the Arkansas Attorney General's Office and the Arkansas Securities Department, as well as with several law firms in Little Rock, Arkansas.
- g. Attorney Daniel Ford graduated summa cum laude from the UALR William H. Bowen School of Law with high honors in 2014. Mr. Ford's practice focuses primarily on employment law, including the FLSA. While attending law school, Mr. Ford was President of the Phi Alpha Delta legal fraternity, served on the UALR Law Review and was a member of the Arkansas Journal of Social Change and Public Service, where he published an article on campaign finance reform. Also while attending law school, Mr. Ford had a federal judicial clerkship with the Honorable Kristine Baker of the District Court for the Eastern District of Arkansas. After graduating law school, Mr. Ford clerked for the Honorable Timothy Fox of the State of Arkansas Pulaski County Circuit Court.
- h. Attorney Sean Short graduated from the Washington University in St. Louis School of Law in 2013. Mr. Short's legal practice focuses primarily on



general civil litigation with a focus on employment law, family law and probate. As a law student, Mr. Short completed a clerkship in Washington D.C., with the Department of Justice's Federal Tort Claims Act Section. Prior to joining Sanford Law Firm, Mr. Short worked in Bangkok, Thailand for a leading international law firm, as well as a multi-national software development company.

- i. Attorney Vanessa Kinney is a 2007 high honors graduate of the University of Arkansas at Little Rock, William H. Bowen School of Law, graduating eighth in her class. While attending law school, Ms. Kinney was a member of the University of Arkansas at Little Rock Law Review, and had an article published in the Winter of 2006 issue. Ms. Kinney has served as both lead attorney and co-counsel on bench and jury in both federal and state courts.

18. The Sanford Law Firm's work focuses on representing workers in employment matters, and its lawyers focus their practices in the area of the FLSA and similar wage-and-hour cases. In the community of attorneys who focus their practice in this area of the law, the Sanford Law Firm has a strong reputation for its quality of work and diligent representation of its clients.

19. The lawyers at the Sanford Law Firm often have opportunities for greater responsibility and experience than many of their peers in the legal community with the same years of experience practicing law. What I mean by this is that because of the management style at the Sanford Law Firm, lesser-experienced attorneys are able to independently manage their own cases with the oversight of more experienced attorneys and supported by a firm culture of collaboration and accessibility to all Sanford Law Firm attorneys. Lesser-experienced attorneys with Sanford Law Firm find themselves effectively navigating litigation with far more experienced opposing counsel, as well as successfully taking on far more responsibility than many of their peers of equal experience at other law firms.

20. I am aware of the customary rates for attorneys of various skill levels who



focus their practice in the area of labor and employment within the San Antonio, Texas area, and the hourly rates charged by Sanford Law Firm attorneys are in line with those rates.

21. I have gained my knowledge of hourly rates charged through my own practice in the San Antonio, Texas, area, as well as by practicing with or having conversations with other attorneys who practice in the San Antonio, Texas, area, including Trang Tran of the Tran Law Firm. I am also familiar with awards of fees in cases out of the San Antonio, Texas, area, as well as the State Bar of Texas Department of Research & Analysis 2015 Hourly Fact Sheet.

22. Sanford Law Firm represented Plaintiffs in this case on a contingency basis in this case, and paid all out-of-pocket costs, including filing and service fees, copying costs, and other such expenses without any assurances that either my fees or costs would be recovered.

23. This type of work is time-consuming and rigorous, and the amount of time spent by our firm at each step in this case is reasonable. It is not uncommon in the course of my practice for clients with similar cases to incur attorney's fees that are as much as or more than those in this case.

24. With these matters in mind, I reviewed the hourly rates for the attorneys and staff that the Sanford Law Firm is seeking in this case.

25. Based on my experience and knowledge, it is my opinion that these hourly rates are reasonable given the attorneys' skills, expertise, and reputations, and they are within the range of rates awarded to attorneys with similar backgrounds and experience.

26. The request for attorney's fees and costs is based upon contemporaneous

time and expenses records maintained by Sanford Law Firm as a matter of ordinary and customary business practice. The time and billing records identify the amount of time expended, the tasks performed, the rate of the particular timekeeper involved, and the costs incurred. A true and accurate copy of the Invoice showing relevant legal services rendered and time expended on this case, from the inception of the case on April 28, 2015, to the date of this Declaration, is attached to Plaintiffs' Petition for Attorneys' Fees and Costs (ECF No. 168-2).

27. Each task reflected in the attached Invoice was necessary to the successful resolution of this matter; the hours expended were actually expended on the topics stated; the time spent on each task was reasonable; and the rates claimed are also reasonable.

28. Among the categories reflected in the invoice, and sometimes encompassed by other categories, are conferences between the attorneys of the Sanford Law Firm. These conferences are critical to the success of cases like this one because it improves the efficiency and quality of attorney work. I am able to delegate tasks to Sanford Law Firm attorneys who are more experienced in certain types of projects or topics to increase the speed, accuracy or quality for accomplishing the task, or to attorneys whose hourly rates are lower to keep costs down, especially where the speed at which a task can be accomplished will be largely the same regardless of who performs the task.

29. Attorney conferences also increase efficiency because it allows attorneys to share their specific legal knowledge of particular topics, thereby preventing an attorney who is working on a project from having to spend time doing the research, creating a new legal form, or otherwise "re-inventing the wheel." In this way, even less experienced

attorneys are able to work more efficiently and with greater quality than other attorneys of comparable experience.

30. Because of Plaintiffs' counsel's knowledge of and experience in FLSA work, as well as their collaboration, Plaintiffs' counsel were able to complete tasks efficiently, which served to keep billing lower than it would have been without that knowledge, experience and collaboration.

31. Attorney-client conferences are also critical to the success of Sanford Law Firm cases. First, all communication from clients is important. In my experience, when a client feels he or she is being ignored by attorneys, that reduces the level of trust between the client and the attorney, which damages the attorney-client relationship. This, in turn, makes quality representation of the client extremely difficult and reduces efficiency. Further, attorneys must trust that their clients are reliable and accessible. Approaching deadlines, settlement conferences, and other issues in a case often demand immediate client response, so a healthy attorney-client relationship is a necessary part of the litigation process.

32. Calculating damages in a collective action under the FLSA is often a complicated and time-consuming process requiring an understanding of and thorough review of the employer's time and pay records, coupled with a strong ability to use and manipulate the features of Microsoft Excel to create varying damages "scenarios" based on the evidence presented in any given case relevant to the applicable limitations period, estimates of hours worked, and other such factors. It is a critical component of FLSA cases and not one that can be left to clerical staff because of its importance, as well as the variety of relevant factors to be applied and the use of judgment in applying those

factors.

33. In addition, court costs and recoverable expenses were also incurred in this matter. These costs, totaling \$12,832.75 are included in the Invoice attached to Plaintiffs' Motion for Attorneys' Fees and Costs.

34. These are costs and expenses that have been advanced by the Sanford Law Firm on behalf of Plaintiffs, and which Plaintiffs are contractually obligated to reimburse Sanford Law Firm out of any recovery in this case.

35. The amount of the costs requested is correct. The costs stated were necessarily incurred during the case, the services giving rise to the costs were actually and necessarily performed.

**PURSUANT TO 28 U.S.C. § 1746, I VERIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.**

Executed on this April 11, 2019.

/s/ Josh Sanford  
**JOSH SANFORD**